



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 07/08/03

AGENDA ITEM 7

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Zone Change No. PL-2003-0101, Site Plan Review No. PL-2002-0565 and Parking Exception No. PL-2003-0100 – Zone Change from CO (Office Commercial) to CN (Neighborhood Commercial); Conversion of an Office Building into a Retail Center; and Reduction in the Required Number of Parking Stalls - Eddy Shen (Applicant)/Ba Le (Owner) - The Property is Located at 24790 Amador Street

RECOMMENDATION:

It is recommended that the City Council introduce the attached ordinance and adopt the attached resolution adopting the Negative Declaration, the Zone Change, the Site Plan Review, and the Parking Exception, subject to the attached findings and conditions of approval.

DISCUSSION:

The site is the location of the former Employment Development Department (EDD) office, off the corner of Amador and Jackson Street. The parcel contains 1.7 acres and the building contains 16,170 square feet. The applicant proposes to transform the former Employment Development Department (EDD) office into a commercial center and locate a laundromat, and possibly a restaurant and retail shop in the remaining space. Although the CO district allows offices, laundromats and restaurants, retail uses are not permitted. The applicant is requesting to increase the potential of the building by rezoning the property to Neighborhood Commercial (CN) District. The surrounding properties are zoned Neighborhood Commercial with the exception of the apartment complex north of the site, which is zoned High Density Residential. The Neighborhood Commercial District would allow for a wider range of retail uses that would complement the surrounding commercial developments and provide goods and services for the surrounding neighborhoods.

The General Plan designation is High Density Residential, which encourages high-density residential development. The Neighborhood Commercial District is also potentially compatible where it can provide local services to nearby residential uses. The existing building would be easily converted to a commercial center but not to a residential development. The reuse and renovation of an existing building is encouraged in the General Plan Policies and Strategies. To convert the office building to a commercial center, pavilions, canopies and storefront windows would be added. The pavilions and canopy would have a barrel clay roof supported by round columns. The façade of the building would be of stucco. Additional landscaping would be added to enhance the center and screen the rear of the building from the adjacent apartment complex.

These improvements would enhance the site and be in harmony with the surrounding commercial properties.

The site currently has 65 parking stalls. With the change from office to commercial use, 76 stalls would be required. The applicant may be granted credits for being in proximity to public transportation and for providing bicycle racks. The credits would lower the required parking down to 62 stalls. The parking lot would be reconfigured to comply with the current handicap, landscape and fire truck access requirements. With these improvements, only 60 stalls could be provided. The Planning Commission and staff support the parking credits and the request to allow the center to operate with 60 spaces rather than the 62 required.

The City Council Commercial Center Improvement Committee (CCCCIC) reviewed the project on February 24, 2003. Committee members supported the project but expressed concern about the color scheme and detailing. The applicant incorporated changes to the building design accordingly, and a condition of approval requires that the color scheme be approved by the Planning Director prior to issuance of building permits. Committee members indicated a preference for a sit-down rather than a fast-food restaurant and said they would not like to see a Dollar Store within the building. Uses with a high turnover were also discouraged as the parking lot and access could be impacted. The zone change to CN would permit all primary uses in that district because, other than Planned Development zoning, zone changes cannot be conditionally approved.

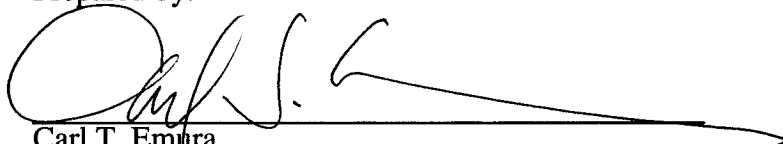
At its May 22, 2003 meeting, the Planning Commission (7:0) recommended approval of the zone change, site plan review and parking exception, including the proposed parking design. The parking design consists of the main parking area in front of the building, with ingress and egress from the southern-most Amador Street driveway. Other parking areas consist of a one-way system along the rear and east side of the property, with these areas accessible only from the northernmost Amador Street driveway and not from within the main parking area. Traffic can, however, circulate from the northernmost Amador Street driveway through the secondary parking area and into the main parking area. The area between the rear and side of the building and the property lines is adequate to accommodate only a one-way system.

The limitations of the proposed circulation plan are that (1) one-way signs could be ignored or overlooked; and (2) if the primary parking area is full, one must exit the property (right turn) onto Amador and re-enter (right turn) the northern-most driveway to seek parking in the secondary parking areas. Nonetheless, this scheme is preferred to an alternate proposal that would allow traffic to pass directly from the main parking area into a one-way parking system. The disadvantage of this alternative proposal is that, if parking spaces are not available in the secondary parking areas, traffic must turn left onto Amador Street and left again into the southern-most driveway on Amador to get back to the main parking area. The Commission supported the proposed parking layout as submitted.

The Commission was also concerned about people exiting from the rear of the building directly on to the driveway where no sidewalk would be provided. To address this concern, the doors will be recessed so that they do not open beyond the face of building, and the entry walls would be at 45-degree angles to the driveway to increase site lines along the rear and side of the building.

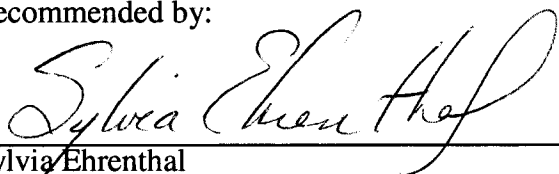
No one from the public offered comments at the hearing.

Prepared by:



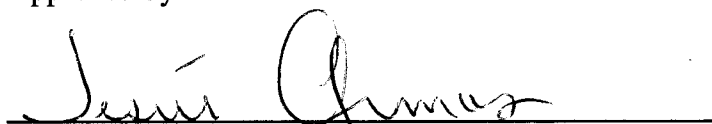
Carl T. Emura
Associate Planner

Recommended by:



Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:



Jesús Armas, City Manager

Exhibits: Planning Commission Meeting Minutes and Staff Report, dated May 22, 2003
 Site Plan
 Draft Ordinance
 Draft Resolution

7/3/03

the projects. She said she was happy to see safe school routes, bike paths and sidewalks included. She asked whether the sewer plans are approaching the limits of discharge and whether the Planning Commission needs to consider anything special in approving plans for the Industrial Area which might impact needs.

Deputy Director of Public Works/Engineering Bauman explained the efforts being made by staff in dealing with large users. They are now requiring them to have pretreatment on the site. As a result, there is no problem now, and in the future there will be sufficient capacity.

Commissioner Caveglia noted that this is a good CIP budget. He congratulated staff, the City Manager and the City Council for doing a good job. He commented that many other cities are in worse shape than Hayward as a result of poor planning.

Commissioner Bogue agreed adding that this is a well thought out budget.

Commissioner Sacks said she would second these comments. She added that she has been far more aware of the positive changes made in the area since about 1991. She said there are many great positive changes as a result of good careful planning. She indicated that she liked many of the things in this budget adding her complements to staff. She thanked staff for making it very understandable.

The motion passed unanimously.

3. Zone Change No. PL-2003-0101 - Request to Change the Zone from Office Commercial (CO) to Neighborhood Commercial (CN) - Site Plan Review No. PL - 2002-0565 - Request to Convert an Office Building into a Retail Center - Parking Exception No. PL - 2003-0100 - Request to Allow for the Reduction in the Required Number of Parking Stalls -The Project is Located at 24790 Amador Street (Eddy Shen/Ba Le Applicant/Owner)

Associate Planner Emura described the area and the building already on the site. He noted that the applicant is applying for a change in zoning. Although staff tries to encourage high-density residential, the applicant bought the building to open a laundry mat. He commented that rehabilitation of existing locations is supported by the general plan. He then cited various possible uses for the shopping center such as a bakery or coffee shop, which would compliment the existing zoning at the site. The present plan is to convert this building to a retail center. He said that the building is not presently very appealing. The applicant plans to add canopies and pavilions; the roof would be clay tile while the building will be stucco. There would also be more windows added to the front and sides, which would be recessed for visual interest. The City Council Commercial Improvement Committee supports this application and zone change although they would prefer a sit-down type of restaurant and were not satisfied with the color scheme. It was decided that the colors would have to be approved by the Planning Director. He then described the various landscape improvements, noting that at present, the location is very barren. The applicant was also asking for reduction of parking stalls from 62 to 60 stalls. He explained that this could be supported since there is good public transportation in the area and the applicant is adding bike racks to the proposal. He said there were two responses to the public notice. One was the owner next to the property who complained about the flow of traffic and driveways as well as the parking exception. He also suggested moving the trash enclosure toward the rear of



the property, however there is an apartment complex to the rear, as a result, staff agrees to keep it where it is. Staff recommended approval.

Chairperson Bogue asked whether since the colors were not finalized, would they be close to what was shown on the color elevation.

Associate Planner Emura said they are getting closer to what is near-by which will be a softer color palette.

Chairperson Bogue then asked about the rear and side doors.

Associate Planner Emura said they would not be used as the main doors. He noted that the laundry mat facility would have entrance and exit doors, while the other units would face primarily toward the front of the building since there would be no sidewalk on that side of the building.

Commissioner Zermeño discussed the bike racks on the Amador side and asked whether staff would reconsider replacing them on the parking lot side.

Associate Planner Emura said they would look into that and maybe move them more toward the rear of the building.

Commissioner Thnay asked whether the trees would be large canopy trees in order to use part of the area as out-door seating and a focal point of enhancement. Perhaps they could add a concrete pad with benches below the tree.

Associate Planner Emura responded that it might look big on the drawings but the area is really not that big although staff could look at that. He added that it might be too small a location and not safe.

Commissioner Sacks asked again about the doors on the north side of the building. She said she was worried about those because any traffic in the driving area could be dangerous with no sidewalk. There would be no barrier between cars and people. She expressed concern about that aspect. She added that she had worked in the building four years at two different times. As to the seating below the tree, the parking area is misleading for its size.

Commissioner McKillop asked about Mr. Waddell letter and how this was addressed.

Associate Planner Emura said he had talked to him and he does support the conversion but is concerned with the parking lot. He thinks it could be a hazard. Staff required one-way signs on the driveway as a condition of approval. He admitted that re-circulation has trade-offs. Staff believes this design is probably the best to minimize stoppage or blocking of cars. He said he has had several discussions with Mr. Waddell on the subject who said he would not challenge it.

Commissioner Halliday asked whether currently that exit has a no left turn. She asked whether they be permitted with these changes.

Associate Planner Emura said staff would turn it back to the traffic engineer. That was not a consideration when he reviewed it.

Commissioner Halliday said that not allowing a left-turn would make it difficult to get back to Jackson.

Associate Planner Emura said staff would look into it.

Commissioner Zermeño asked about the trees to be removed noted on one of the maps.

Associate Planner Emura said a tree in the new driveway was to be removed.

The public hearing was opened at 8:29 p.m.

Eddie Shen the architect/applicant said he would answer questions.

Chairperson Bogue asked about the bike racks near Amador.

Mr. Shen responded that there might be a little bit of space on Jackson corner, however, with the additional landscaping and handicapped parking, it would make moving them closer to the building tighter. He emphasized that the rear door is mainly for exits since the Uniform Building Code requires them to be left open.

Commissioner Zermeño asked whether there was room for tables outside.

Mr. Shen said it might be possible, however, there were no plans at this point.

Commissioner Halliday suggested that it might be dangerous to use the rear door of the laundry mat, since most customers would usually be carrying things.

Mr. Shen suggested that perhaps he could recess the doors and make an alcove.

The public hearing closed at 8:33 p.m.

Commissioner Sacks moved, seconded by Commissioner Zermeño, the staff recommendation.

Commissioner Sacks added that this is a tremendous improvement for that location. Commercial use is much more sensible than housing. As to the question of reduced parking requirement, she said she had no problem with it since transportation by bus is convenient to the site. She added that traffic flow is going to be a problem and that going on and off of Amador is a concern. However, this is an improvement in the area.

Commissioner Thnay indicated that the project is essentially smart growth. With the bike rack



and near bus stops, losing only two spaces is a good compromise. He said he also would support staff's circulation proposal although the left turn is an issue.

Commissioner McKillop said the commercial designation makes sense with all the housing in the area. She thanked the architect and developer for this improvement to the area.

Commissioner Zermeno agreed that it is a good plan on a very visible corner. This is the completion of that corner and a tremendous improvement.

Commissioner Halliday said it is a great re-use of a building and so nice to see the improvement. She said she would support the motion.

Commissioner Sacks added that although the Economic Development Department leased the building, it never owned it.

Chairperson Bogue expressed concerns about the traffic flow but said he would support the staff recommendation. He added that it is unwise to make a left turn there, and expressed concern about the back doors. He then urged reconsideration for the everyday use of the back doors.

The motion passed unanimously.

ADDITIONAL MATTERS

4. Discussion of Topics to Include on the City of Hayward Web Site.

Since this topic was discussed fully at a previous meeting, there were no further comments.

5. Oral Report on Planning and Zoning Matters

Planning Manager Anderly noted that Mission Garin report would be coming out soon.

6. Commissioners' Announcements, Referrals

Commissioner Caveglia asked about the downtown parking requirements. He said he was noticing a traffic jam around Wiener Schnitzel, and asked whether there was enough parking.

Planning Manager Anderly said the requirement for downtown is a lesser number of parking spaces. It is a popular place. She added that looking at the site it looks like a lot of spaces, but it really is not.

Commissioner Halliday discussed weeds and debris across from the Jackson square shopping center. She then said she had just completed training by the Fire department for the Emergency Response Team. She discussed the training calling it a fantastic experience. She said anyone



CITY OF HAYWARD AGENDA REPORT

Meeting Date 05/22/03
Agenda Item 3

TO: PLANNING COMMISSION

FROM: Carl T. Emura, Associate Planner

SUBJECT: **Zone Change No. PL-2003-0101** - Request to Change the Zone from Office Commercial (CO) to Neighborhood Commercial (CN)
Site Plan Review No. PL-2002-0565 – Request to Convert an Office Building into a Retail Center
Parking Exception No. PL-2003-0100 – Request to Allow for the Reduction in the Required Number of Parking Stalls from 62-60

Eddy Shen (Applicant) / Ba Le (Owner)

The Property is Located at 24790 Amador Street in a Office Commercial (CO) Zoning District

RECOMMENDATION:

It is recommended that the Planning Commission recommend to the City Council to:

1. Adopt the Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) guidelines;
2. Approve the Zone Change, Site Plan Review and Parking Exception subject to the attached findings and conditions of approval.

DISCUSSION:

Background

The site is the location of the former Economic Development Department (EDD) office, off the corner of Amador and Jackson Street. The parcel contains 1.7 acres and the building contains 16,170 square feet. The property is zoned Commercial Office (CO). The properties to the south, west and east are zoned Neighborhood Commercial (CN). The property to the north is zoned High-Density Residential (RH). The General Plan Designation is High Density Residential. An apartment complex is located to the north, a dental office to the east and a fast food restaurant and oil change/lube operation to the south.

The applicant proposes to convert the former Economic Development Department (EDD) office into a commercial building and is requesting to change the zone from Commercial Office (CO) to Neighborhood Commercial (CN) in order to allow for a wider range of retail uses in the proposed commercial center. The applicant would like to locate a laundromat at the east end of the building and possibly a restaurant and retail shop in the remaining space. At one time the applicant expressed an interest in locating a "Dollar" store within the space, which is a permitted use in the CN District. In addition to the zone change and site plan review, the applicant is requesting an exception to the parking requirements. The site currently has 65 parking stalls, meeting the parking requirements for office use but not for retail uses.

General Plan

The General Plan Map designation for the property is "Residential – High Density." The General Plan designates areas along major arterials and near major activity or transit centers for medium and high-density residential development. As an implementation measure of the newly adopted Housing Element, City staff is asked to inform developers looking for building sites about the zoning and development potential along major arterials and encourage planned development zoning that implements smart growth principles. Staff has discussed development options with the owner of the property, who is not interested in pursuing housing, especially considering that that site is already developed with a structure would not be easily converted to residential development. Further, the Housing Element identifies potential housing opportunities but has not identified subject property as a potential housing site given the physical features of the property.

The General Policies Plan Economic Development Policies and Strategies supports undertaking *"...reuse of older commercial structures"* and creating *"complementary and compatible new development of high quality."* The General Plan also fosters development that enhances public transit and makes the city more livable by developing efficiently within the already built environment. The Economic Development Policies and Strategies encourage revitalizing *"...declining commercial and industrial areas and obsolete facilities through rezoning, redevelopment, rehabilitation and other available means."* The EDD building has been vacant a number of years, and by rezoning the property, new neighborhood servicing uses would be allowed at that site that would enhance the retail environment in the area and provide a wider range of services to the nearby residential complexes.

Zone Change

The property is currently zoned Commercial Office District (CO). The surrounding zoning is Neighborhood Commercial with the exception of the apartment complex north of the site, which is zoned High Density Residential. The Neighborhood Commercial zoning would complement the surrounding zoning and, in addition to offices, would allow neighborhood-serving retail uses for the surrounding residential developments and those traveling on Jackson Street. Under the Commercial Office Zoning District the only retail uses that could be considered are restaurants and a bar and cocktail lounges. The Neighborhood Commercial District would allow for a much wider range of retail uses such as a coffee shop, a flower shop, a bakery, a bookstore, beauty shop, or a gift shop. More intensive uses, such as an automobile repair facility, a drive-in, or a liquor store

require approval of use permit to ensure compatibility of uses within its environment. By changing the zoning to CN, the uses currently desired by the applicant, primarily the retail uses, would become permitted uses. Although the applicant has indicated that he plans to improve the property and develop it with specific uses, the zone change to CN would not necessarily result in those uses as the property could be sold or the applicant could modify his business plan. Traditional conditions of approval cannot be added to a zone change application, other than Planned Development zoning.

Site Plan Review

The office building is a rectangular tilt up concrete structure. To convert the office building to a commercial center, the applicant would be adding a canopy and pavilion roofs to the northwest, southwest, and near the southeast corners of the building. The pavilions and canopy would have a barrel clay tile roof and be supported by 2-foot-diameter round columns. The façade of the building and columns would be stucco. Storefront windows would be added to the south and west side of the building facing Jackson and Amador Street. Staff has conditioned that the storefront windows and doors be recessed to create shadows and give the façade more definition. These façade improvements would complement and be in harmony with the surrounding commercial buildings.

Several color schemes have been submitted, however staff has not found any of them to be satisfactory. Staff has conditioned the project such that the color scheme shall be approved by the Planning Director prior to issuance of building permits.

Much of the street side perimeter of the site is landscaped, however there is very little interior landscaping. The applicant proposes to add landscape planters in the parking areas and along the interior perimeter areas of the site to reduce the amount of exposed asphalt paving. Vines would be planted on the existing concrete walls. Evergreen trees would be planted 20-feet on center along the north property line to screen the commercial building from the adjacent apartment complex. In the front parking lot, flowering deciduous trees would be planted in the parking landscape islands and a Coast Live Oak would be planted in the center of the parking lot to serve as a focal point for the commercial center.

The applicant is proposing an 11-foot high by 8-foot 9-inch wide monument sign off of Amador Street. The style and materials of the monument sign would match the building, however, it is setback 3 feet from the property line when 11 feet is required. There appears to be enough space for the applicant to relocate the monument sign further back in the planter. Boxed illuminated tenant signs are proposed below the pavilions and canopies. Staff believes that individual channel letters would be more attractive and have made it a condition of approval for this project. Tenants are only allowed two wall signs, however, the elevations show that the restaurant has three. One sign would have to be removed, but they would be allowed 50 percent more sign area since they have two frontages.

The façade and other improvements will transform this non-descript rectangular office building into an attractive commercial center and make it more pedestrian friendly by providing access directly from Amador Street.

Parking Exception

The site currently has 65 parking stalls, which satisfied the parking requirement for the office building at the time it was constructed. For a commercial center of this size, 76 parking stalls would be required and, under the proposed plan, only 60 parking stalls would be provided. The reduction in stalls from the current 65 stalls to 60 stalls results from the requirement to reconfigure the parking lot to comply with the current handicap, landscape and fire truck access requirements.

The existing double ingress and egress driveways off of Amador Street would be consolidated into one driveway. The driveway width at the rear of the building would be widened and the direction of flow would be changed to one-way. The proposed driveways would allow for passage of a fire truck to the front and rear of the property and the proposed parking lot layout would allow a fire truck to maneuver within the front parking lot.

The Planning Director may grant a parking space credit up to 15 percent if public transportation is within 500 feet of the site. A bus stop is located in front of the adjacent corner building on Jackson Street and another directly across the street on Amador. Both of these bus stops are located less than 200 feet from the building and are stops for AC Transit's Bus Route 92, which runs from the Hayward Bart Station and along Hesperian Boulevard. In addition, credit for one parking space can be granted by the Planning Director for every 4 bicycle spaces, up to 5 percent of the total required parking spaces. The applicant would provide 8 bicycle stalls. With the Planning Director approval, the total stalls required would be reduced to 62, still two stalls less than would be provided. Staff supports the requested parking exceptions given the proximity of the site to high-density development where a number of customers can be expected to be pedestrians and the location of the building, which prevents the introduction of more parking stalls.

ENVIRONMENTAL REVIEW:

The project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and a Negative Declaration was prepared for the project.

PUBLIC HEARING NOTICE:

On May 12, 2003, a Notice of Public Hearing and Notice of Preparation of the Negative Declaration was mailed to every property owner and occupant within 300 feet of the property as noted on the latest assessor's records, as well as to all property owners in the neighborhood, and to all parties having previously expressed an interest in this project. The notice was also published in the Daily Review. Staff received two responses to the public notice, one objecting to the proposed laundromat and the other objecting to the parking layout.

Staff received an objection to the proposed laundromat. The complainant stated that a laundromat is not an allowed use in the Commercial Office District as it does not fit into the category of "Dry Cleaner/Laundry", which, according to the complainant, would not include self-

service, coin-operated laundromats and that a second laundromat in the area is not needed. A "Dry Cleaner/Laundry" facility is defined in the Zoning Ordinance as a facility "...open to the general public for dry cleaning/laundry purposes". Therefore, a self-service coin-operated laundromat conforms to this definition and it is a primary use in both the Commercial Office and Neighborhood Commercial Districts. There are no restrictions on the number of laundromats allowed in either of these districts.

Staff also received an objection to the proposed parking layout from the adjacent property owner on the corner of Jackson and Amador Street. He expressed concern about the loss of parking spaces and the lack of direct vehicle access from the front parking lot to the side and rear parking spaces, which he felt would create potential traffic conflicts. As proposed, when the front parking lot is filled, cars would have to exit on to Amador and re-enter at the rear driveway. Staff anticipates that the center's employees and the patrons of the shops (or Laundromat) at the rear of the building will utilize the rear and side parking spaces and not tax the primary parking area on the Jackson Street side of the property. The retail/laundromat area would have rear and side entry doors to encourage the use of the rear and side parking spaces. If the direction of flow of the rear and side driveways were to be one-way exiting on to Amador Street, one parking space would be lost and cars re-circulating into the front parking lot would have to cross the north bound lanes on Amador Street twice in order to go south and re-enter the front parking lot. This could possibly create more congestion on Amador Street with cars backing up behind the car trying to re-enter the front parking lot. (Refer to circulation design shown on Exhibit F.) To address his concerns about potential traffic conflicts with the one way driveway, "No Entry" signs would be posted on both sides of the one-way driveway.

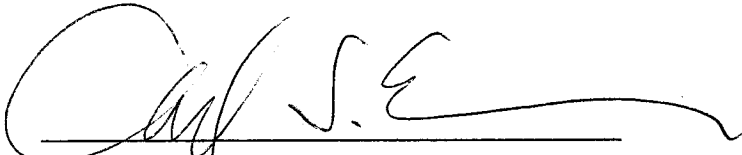
The adjacent property owner believes that the building was a legal nonconforming structure and, therefore slightly less landscaping could be required than what is required by the zoning ordinance. However, the structure is not a nonconforming structure, but because the applicant is making changes to the façade of the building that includes encroachments into the exiting driveway, redesign of the parking layout becomes necessary. Any changes to the site requires that they comply with the design and performance standards in the zoning ordinance. Therefore the interior landscaping is a requirement that must be met.

In addition, the adjacent property owner felt that the trash enclosure should be installed in the north corner of the property rather than in the front parking lot. Normally staff would concur with him, but by locating the trash enclosure there, the buffer tree planting along the north property line would have to be eliminated to allow for a garbage truck access around the northeast corner of the building and the trash enclosure would be in view of the tenants in the apartment complex. As conditioned, the trash enclosure will be designed to match the commercial building, and shrubs and vines will be added to minimize the visual impact the trash enclosure will have in the front parking lot.

CONCLUSION:

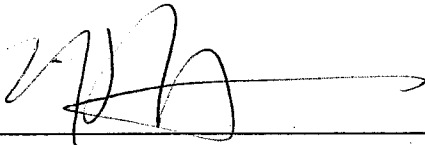
Changing the zoning from Commercial Office to Neighborhood Commercial would allow for neighborhood servicing uses that would benefit the surrounding neighborhoods and the zone change would be consistent with the surrounding zoning and the General Plan. The façade and landscape improvements would enhance the site. Adequate alternative modes of transportations are provided to compensate for the lack of the required parking space. Therefore, staff recommends that the application for a Zone Change, Site Plan Review and Parking Exception be approved.

Prepared by:



Carl T. Emura
Associate Planner

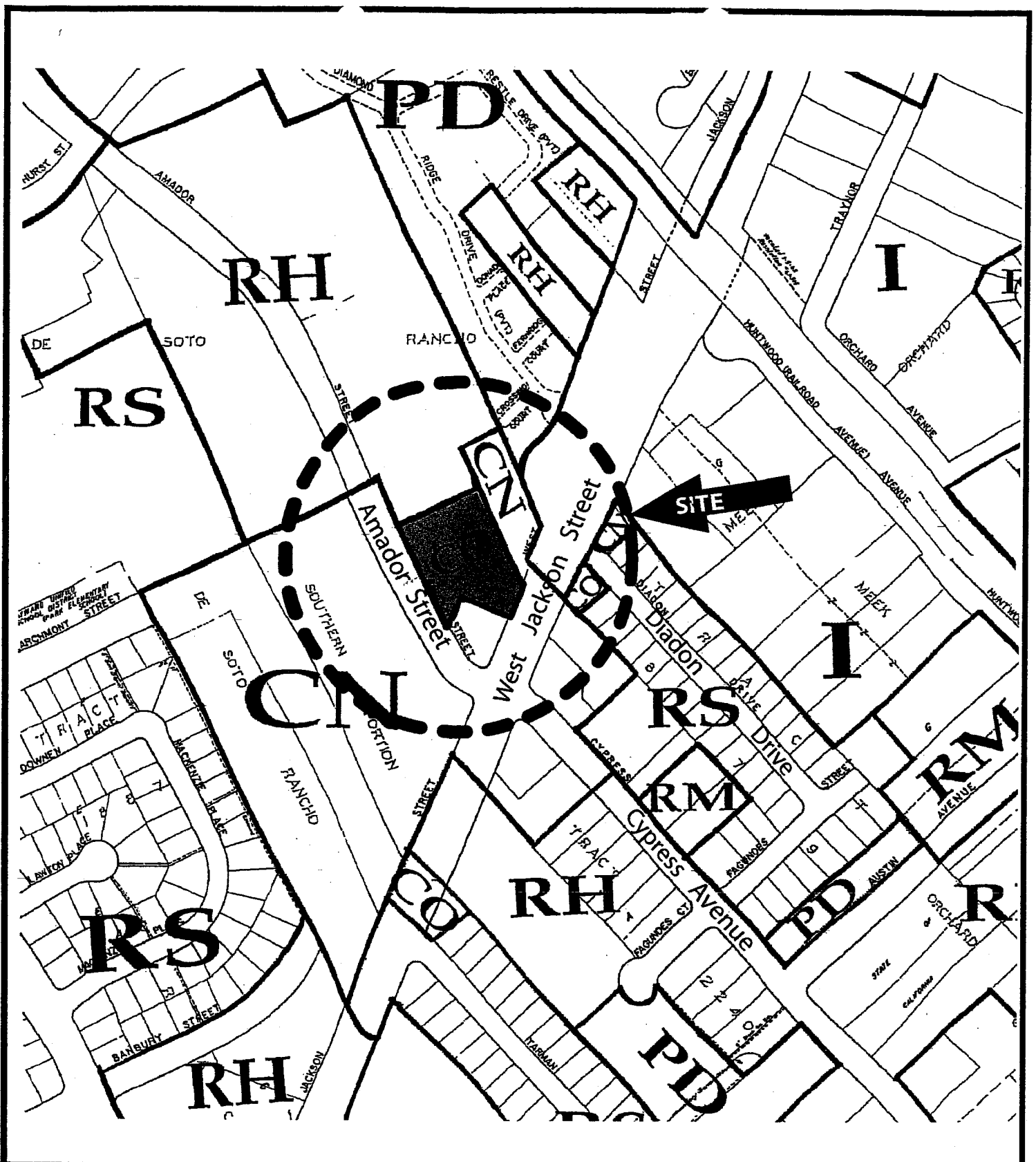
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments

- A. Area and Zoning Map
- B. Finding and Conditions for Approval
- C. Negative Declaration/Initial Study Check List
- D. Letter from Dana Sack dated 3/7/03
- E. Letter and Sketch from Kent T. Woodell dated 4/9/03
- F. Alternative Rear and Side Parking Layout prepared by LRS Associates
- G. Site Photographs
Plans and Elevations



Area & Zoning Map

Address: 24790 Amador Street

Applicant: Eddy Shen

Owner: Ba Le

CG-General Commercial

CN-Neighborhood Commercial

CO-Commercial Office

PD-Planned Development

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4

RS-Single-Family Residential, RSB4, RSB6

**CITY OF HAYWARD
PLANNING DIVISION
May 22, 2003**

ZONE CHANGE APPLICATION NO. 2003-0101; SITE PLAN APPLICATION NO. PL- 2002-0565; PARKING EXCEPTION APPLICATION NO. PL-2003-0100 – Eddy Shen (APPLICANT)/ Ba Le (OWNER) – request to change the zoning from Commercial Office to Neighborhood Commercial, to convert an office building into a commercial center and for a reduction of the required parking.

The site is located at 24790 Amador Street in the Commercial Office (CO) District (APN:443-0050-001-07).

FINDINGS FOR APPROVAL

- A. The proposed project will not have a significant negative impact on the environment pursuant to the California Environmental Quality Act (CEQA) guidelines and a Negative Declaration has been prepared.
- B. Substantial proof exist that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the Neighborhood Commercial District allows uses that will serve the surrounding neighborhood and complement other commercial businesses in the vicinity.
- C. The proposed zone change is in conformance with the purposes of the Zoning Ordinance and all applicable adopted policies and plans in that it is consistent with the General Plan Policies, which encourages rezoning of properties and rehabilitation of obsolete building to revitalize declining areas.
- D. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the zoning is changed from Commercial Office to Neighborhood Commercial in that the proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, schools, maintenance of public facilities, including roads, and in other government services.
- E. All uses permitted under the Neighborhood Commercial District will be compatible with potential future uses, and a beneficial effect will be achieved which is not obtainable under the Commercial Office District in that neighborhood retail uses would be allowed under the Neighborhood Commercial District which is not allowed under the Commercial Office District and those uses are more compatible with the existing uses in the area.

SITE PLAN REVIEW

- F. The project is compatible with surrounding structures and uses in that the proposed building façade would blend in and complement the surrounding buildings and future commercial uses would augment the existing uses in the area.
- G. The project takes into consideration physical and environmental constraints in that the parking lot is redesign to meet the handicapped, landscape and fire truck access requirements within the confines of an existing developed site. The original building structure is retained and façade improvements are made to convert it into a commercial center. The existing perimeter landscape is retained and additional landscaping is added to the interior of the site.
- H. The project complies with the intent of City development policies and regulations in that it revitalizes a vacant building and creates a complementary and compatible new commercial center of high quality.
- I. The project will be operated in a manner acceptable and compatible with surrounding development in that trees are added along the north property line to screen the center from the adjacent apartment complex. The trash enclosure has been located toward the front of the property and the hours of operation of the Laundromat has been conditioned to minimize disturbances to the residences of the adjacent apartment complex.

PARKING EXCEPTION

- J. There are special circumstances applicable to the property in that the building is already existing and such parking and circulation cannot be reasonably altered because of the location of the building.
- K. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other properties in the vicinity under the same zoning classification in that other commercial properties along Jackson Street do not meet the current parking requirements and have been granted variances.
- L. The parking exception does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated in that other properties along Jackson Street have been granted variances for parking. In addition the parking ordinance allows credits for proximity to public transportation and for providing bicycle spaces adjacent to pedestrian activity.
- M. The parking exception will not result as reasonably possible in the parking or loading of vehicles on Jackson and Amador Street as the proposed

commercial center is in the proximity of high density residential development where a number of customers can be expected to be pedestrians.

- N. The granting of an exception will not create a safety hazard, as the exception will allow fire truck to access and maneuver on to the site.

CITY OF HAYWARD

Planning Division

May 22, 2003

ZONE CHANGE APPLICATION NO. 2003-0101; SITE PLAN APPLICATION NO. PL- 2002-0565; PARKING EXCEPTION APPLICATION NO. PL-2003-0100 – Eddy Shen (APPLICANT)/ Ba Le (OWNER) – request to change the zoning from Commercial Office to Neighborhood Commercial, to convert an office building into a commercial center and for a reduction of the required parking.

The site is located at 24790 Amador Street in the Commercial Office (CO) District (APN:443-0050-001-07).

CONDITIONS OF APPROVAL

GENERAL

1. The Site Plan applications No. PL-2002-0565 is approved subject to the conditions listed below. This permit becomes void on May 22, 2004, unless prior to that time a building permit application has been accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division 15 days prior to the above date.
2. Unless otherwise indicated, all conditions and improvements indicated on Exhibit "A" shall be met prior to occupancy.
3. The standard conditions of approval for solid waste services must be complied with. They include specific requirements relating to container selection & sizing, collection vehicle access, and construction management plan.
4. The property owner shall maintain in good repair all building exteriors, fences, walls, lighting, trash enclosures, drainage facilities, driveways, parking areas, and any other project features. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
5. The Laundromat shall not be opened earlier than 7:00 am and close no later than 10:00 pm.
6. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.

7. Violation of these conditions or the Hayward Municipal Code is cause for revocation of permit after a public hearing before the duly authorized review body.

BUILDING

8. Prior to issuance of a building permit, the colors and materials used on the exterior of the building, including the trash enclosure shall be approved by the Planning Director.
9. All doors on the north and east side of the building shall be recessed so that they do not extend beyond the wall of the building
10. All doors and storefront windows along the front and street side of the building shall be recessed to provide architectural detail.
11. Exterior lighting shall be designed by a qualified illumination engineer, and erected and maintained so that adequate lighting is provided in all public access areas. The Planning Director shall approve the type, design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties.
12. All roof-mounted mechanical equipment shall be screened from the street.
13. The top trim around the front and street side of the building shall be continued along all sides of the building.
14. All television or satellite reception antennas shall be completely screened from view by the proposed roof structure.
15. Water downspouts shall be integrated into the façade of the building as an architectural feature.
16. No vending machines or other goods or products shall be displayed or sold outside the building.
17. The location and design of bicycle racks shall be approved by the Planning Director.
18. A decorative pre-cast concrete trash receptacle, with a self-closing metal lid, shall be located near each of the exterior customer doors. The Planning Director shall approve the design and placement.

19. A trash enclosure shall be constructed at the location as depicted on the site plan. The trash enclosure shall be constructed of a decorative 6-foot-high masonry wall, which incorporates the architectural style, color and materials of the primary structure(s), with a solid and lockable, decorative metal access gate. The enclosure shall include internal concrete curbs to protect the side walls. The enclosure shall provide for an equivalent amount of space for recycling containers as for trash containers. The final design shall be approved by the Planning Director prior to the issuance of a building permit.
20. All signs shall comply with the Sign Ordinance regulations for the Neighborhood Commercial District. Tenant signs shall be Channel Letters unless otherwise approved by the Planning Director.
21. All construction shall adhere to State of California Title 24 Handicapped Access requirements.

LANDSCAPING

22. Detailed landscaping and irrigation plans prepared by a licensed landscape architect shall be approval by the City Landscape Architect prior to issuance of a building permit. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.
23. A complete automatic sprinkler system with an automatic on/off mechanism shall be installed for required landscape areas prior to occupancy. The system shall include adjustable flood bubblers at each tree, 15-gallon size or larger, and shall utilize a reduce pressure backflow device for common landscape areas. After initial installation, the sprinkler system shall be maintained, including replacement where necessary.
24. Class 'B' Portland Cement concrete curbs shall be constructed to a height of 6 inches above the finished pavement for any landscaped area that adjoin driveways and/or parking areas.
25. A tree removal permit is required prior to the removal of any tree 8" in diameter, or larger. An arborist report shall be provided giving the species, diameter, health and value of the trees to be removed. Tree removed shall be replaced with trees of equal value. Replacement trees shall be in addition to any required trees.
26. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes.

27. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
28. Parking lot shall include one 15-gallon tree for every six parking stalls. Where shrubs are used for screening the parking lot, the type and spacing of shrubs shall create a continuous 30" high hedge within two years.
29. Vines shall be required on walls and around the trash enclosure.
30. All above ground utilities, mechanical equipment and trash enclosures shall be screened from the street with shrubs.
31. Missing shrubs and groundcover along the street frontage shall be replaced as necessary to fill out existing landscape planters.
32. One 15-gallon evergreen buffer tree shall be provided every 20-feet along the north property line.
33. One 24" box street tree shall be provided for every 20-40 lineal feet of frontage. Spacing of trees shall be dependent on the species of trees. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Street trees shall be planted according to the City Standard Detail SD-122.
34. Landscaping shall be maintained in a healthy and weed-free condition at all times, with replacement plants provided where necessary. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

PARKING/DRIVEWAYS/SIDEWALKS

35. All open parking stalls and maneuvering areas on site shall comply with the City's Off-Street Parking Regulations. The parking stalls shall be striped and any compact stalls shall be clearly marked for compact vehicles only.
36. The double lane entry driveway width shall be 26 feet wide. The driveway shall be constructed as per City Standard Detail SD-110.
37. The rear one-way driveway width shall be 22 feet wide to allow fire truck access. The driveway shall be constructed as per City Standard Detail SD-110.

38. Any work along Jackson Street right-of-way shall require a Caltrans Permit
39. Any work along Amador Street right-of way shall require an Encroachment Permit from the City of Hayward.
40. All unused driveway across the property frontages shall be removed and replaced with curb, gutter and sidewalk.
41. Prior to connection of utilities, the parking lot pavement shall be repaired or replaced. Existing pavement shall be resurfaced to eliminate potholes and to provide a smooth, safe surface. The City Engineer shall determine the scope of improvements.

DRAINAGE AND UTILITIES

42. A drainage plan shall be submitted that meets the approval of the Planning Director
43. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants to the maximum extent practicable. It is highly recommended that a grassy swale will be used as a BMP mitigation.
44. Construction plans shall incorporate all water meters.
45. Prior to issuance of a building permit, the gallon-per-demand shall be shown on plans and approved by the Water Department.
46. The applicant shall connect all unit plumbing to the correct meter as marked by the City before water service is provided.

FIRE DEPARTMENT

47. All construction shall be in compliance with the California Building Code. The building shall meet fire and life safety requirements as stated in the California Fire Code.
48. All red curbing and "Fire Lane" signage shall be installed to the satisfaction of the Fire Marshall.
49. A 6-inch self- illuminated address shall be provided for each unit.



**DEPARTMENT OF
COMMUNITY AND ECONOMIC DEVELOPMENT
Planning Division**

NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. *PROJECT DESCRIPTION:*

Request to change the zoning from Commercial Office (CO) to Neighborhood Commercial (CN). The property is located at 24790 Amador Street.

II. *FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:*

The proposed project will have no significant effect on the area's resources, cumulative or otherwise.

III. *FINDINGS SUPPORTING DECLARATION:*

1. The project application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Checklist Form has been completed for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources.
3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses and it is too small to be used for agriculture.
4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any building permit.
5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since it surrounded by urban uses.
6. The project will not result in significant impacts to cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or

disturb human remains because no physical development is proposed as part of the project.

7. The project site is not located within a "State of California Earthquake Fault Zone." Future construction will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials.
9. The project will meet all water quality standards. The site is developed with adequate drainage facilities.
10. The project is consistent with the policies of the City General Policies Plan and the Zoning Ordinance.
11. The project could not result in a significant impact to mineral resources since the site is too small to be developed to extract mineral resources.
12. The project will not have a noise impact.
13. The project will not result in a significant impact to public services.
14. The project will not result in significant impacts to traffic or result in changes to traffic patterns and emergency vehicle access will be improved.

IV. PERSON WHO PREPARED INITIAL STUDY:

Carl T. Emura
Associate Planner

Dated: 5/22/03

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward Development Review Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4209



**DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division**

INITIAL STUDY CHECKLIST FORM

Project title: Zone Change No. 2003-0100 – Request to change the Zoning from CO (Commercial Office) to CN (Neighborhood Commercial). Eddy Shen (Applicant)/Ba Le (Owner)

Lead agency name and address: City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

Contact persons and phone numbers: Carl T. Emura, Associate Planner (510) 583-4209

Project location: The property is located at 24790 Amador Street, Hayward, California northerly of West Jackson Street (State Route 92).

Project sponsor's name and address:
Eddy Shen
102 Persian Drive #201
Sunnyvale, Ca 94089

General Plan: High Density Residential

Zoning: Commercial Office (CO)

Description of project: Request to change zoning from Commercial Office (CO) to CN (Neighborhood Commercial).

Surrounding land uses and setting: A building with accessory parking exists on the property. The property to the north contains an apartment complex, to the south is a take-out restaurant and auto repair shop, to the east is a dental office and to the west is a shopping center.

Other public agencies whose approval is required: None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Carl T. Emura, Associate Planner

March 26, 2003

Date

City of Hayward

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? <i>Comment: The project will not affect any scenic vista.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <i>Comment: The project will not damage scenic resources.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? <i>Comment: The applicant is proposing to renovate the existing vacant office building and turn it into a commercial retail building.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? <i>Comment: Any new commercial development on the site will be required to use light fixtures that light only the site and not surrounding properties.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? <i>Comment: The project site does not contain farmland.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? <i>Comment: The project is not located in an agricultural district nor an area used for agricultural purposes.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? <i>Comment: The project area does not contain agricultural uses or farmland, See II b.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Any development will be required to meet State air quality standards specified in the Clean Air Plan adopted by the Bay Area Quality Management District.

- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comments: The Bay Area air basin currently exceeds both federal and state standards for ozone and state standards for particulate matter <10 microns in diameter (PM10). Commercial development on this site will not likely result in more vehicle trips, than the property would if left as for commercial office uses.

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: Commercial retail uses could result in an increase traffic but is not expected to be much greater the current commercial office use allowed on the site. And due to the small size of the property, impacts to air quality will be minor and insignificant.

- d) Expose sensitive receptors to substantial pollutant concentrations?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See III a.

- e) Create objectionable odors affecting a substantial number of people?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: New development on the site will not be permitted to create objectionable odors affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES -- Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The property, although vacant, is surrounded by urban uses. There is no evidence of any candidate, sensitive, or special status species.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: The site contains no riparian or sensitive habitat.</i>				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: The site contains no wetlands.</i>				
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: The site does not contain habitat used by migratory fish or wildlife nor is it a migratory wildlife corridor.</i>				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: The project is and any future development will be in conformance with the General Policies Plan and the Santa Clara Neighborhood Plan.</i>				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: There are no habitat conservation plans affecting the property.</i>				
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: No known historical resources exist on-site.</i>				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Comment: No known archaeological resources exist in on-site. No significant grading is expected. If previously unknown resources are encountered during future grading activities, the developer and the City of Hayward will take appropriate measures.</i>				
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: No known paleontological resources exist on-site.</i>				

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: No known human remains are located on-site. No significant grading is anticipated. If any remains are found, all work will be stopped and police called to investigate.				
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment: The project is outside the Hayward Special Studies Fault Zone.				
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comment: The site is not located within a "State of California Earthquake Fault Zone and will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking.				
Impacts: Ground shaking can be expected at the site during a moderate to severe earthquake, which is common to virtually all development in the general region. Seismic ground failure, including liquefaction and subsidence, is possible but not likely at this site. This impact is considered less than significant.				
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment: Liquefaction and differential compaction is not considered to be likely on this site.				
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment: The project is not located within an area subject to landslides.				
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment: The project site is flat. The Engineering Division will ensure that proper erosion control measures are implemented.				

- | | Potentially
Significant
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Unless
Mitigation
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Significant
Impact | No
Impact |
|--|--------------------------------------|---|------------------------------------|-------------------------------------|
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: The existing office building is being converted to commercial use. Only façade and tenant improvements are planned for the building. If a new building is built in the future, prior to issuance of any building permit, engineering and building staff will review a geologic and soils investigation report to design adequately the building foundations for the soil type for new projects. Judging from past geologic activities in the project area, the soil types have not exhibited any of the characteristics that would indicate that any of these conditions exist or are possible.</i> | | | | |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: See VI c.</i> | | | | |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: The existing building is connected to the City of Hayward sewer system.</i> | | | | |

VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: There is no evidence of hazardous materials at the site nor will hazardous materials be used or transported near the site.</i> | | | | |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: See VII a.</i> | | | | |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: See VII a.</i> | | | | |

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? <i>Comment: See VII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? <i>Comment: The project is not located within an airport zone.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? <i>Comment: See VII e.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? <i>Comment: The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the area. Emergency response times will be maintained.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? <i>Comment: The project is not located in an area of wildlands and is not adjacent to wildlands.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements? <i>Comment: The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? <i>Comment: The site is fully developed and landscape areas will be increased which will add to the groundwater recharge. The proposed uses will not substantially deplete groundwater supplies.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? <i>Comment: The project is not located near a stream or a river. Development of the site will not result in substantial erosion or siltation on-or off-site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? <i>Comment: The project is within an urban area and has been developed as such. Drainage patterns on the site will not cause flooding.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? <i>Comment: The amount of run-off from the project will not exceed the capacity of the stormwater drainage system. See VIII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? <i>Comment: See VIII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? <i>Comment: According to FEMA Flood Insurance Rate Maps (panel # 065033-0011E dated 2/9/00), this site is not within the 100-year flood hazard area.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? <i>Comment: See VIII g.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? <i>Comment: See VIII g.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? <i>Comment: The project is not in a location that would allow these phenomena to affect the site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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IX. LAND USE AND PLANNING - Would the project:

- a) Physically divide an established community?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The project will not physically divide the existing community. The existing office building will be converted to commercial retail use.

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The area is designated on the General Policies Plan Map as High Density Residential. The zone change would be potentially consistent with the General Plan.

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See IV f.

X. MINERAL RESOURCES – Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: The project will not result in a significant impact to mineral resources since the project study area is a developed urbanized area that does not contain mineral resources that could be feasibly removed.

- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: See X a.

XI. NOISE - Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Comment: Any commercial use of the property will be required to be designed to not exceed the noise limits found in the Noise Element of the General Plan.

- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See XI a.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? <i><u>Comment:</u> See XI a</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? <i><u>Comment:</u> See XI a</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? <i><u>Comment:</u> See VII e.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? <i><u>Comment:</u> See VII e.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? <i><u>Comment:</u> No homes are proposed for this site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? <i><u>Comment:</u> No housing will be removed.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? <i><u>Comment:</u> See XII b.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i><u>Comment:</u> The proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, schools, maintenance of public facilities, including roads, and in other government services.</i>				

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Police protection? <i><u>Comment:</u> See XIII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? <i><u>Comment:</u> See XIII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? <i><u>Comment:</u> See XIII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? <i><u>Comment:</u> No other public facilities will be significantly impacted.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. RECREATION --

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
<i><u>Comment:</u> The project would not increase the use of existing neighborhood and regional parks or other recreational facilities as no housing is proposed for the site and the site will be for neighborhood servicing businesses.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?
<i><u>Comment:</u> See XIV a.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XV. TRANSPORTATION/TRAFFIC -- Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
<i><u>Comment:</u> There will not be an increase in traffic as a result of the rezoning or change in use.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
<i><u>Comment:</u> See XV a.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
<i><u>Comment:</u> The project will not affect air traffic patterns.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? <u>Comment:</u> Any future development will be designed to create no hazardous features or incompatible uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? <u>Comment:</u> The Hayward Fire Department has reviewed the project and finds the project acceptable to Hayward Fire Department requirements and standards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity? <u>Comment:</u> The project is off a major bus route with a bus stop within 500 feet of the property. A 15% reduction in the parking requirements is allowed subject to the Planning Directors approval. With this allowed reduction the site will be short 4 parking spaces and a variance will have to be approved by the Planning Commission.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? <u>Comment:</u> The project does not conflict with adopted policies supporting alternative transportation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? <u>Comment:</u> The project will have no impact on wastewater treatment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <u>Comment:</u> See XVI. (a).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <u>Comment:</u> The rezoning or change in use will not result in the construction of new storm water drainage facilities or expansion of existing facilities as the site is fully developed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? <u>Comment:</u> The City of Hayward supplies water and the service to the project area, which will not change.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | Potentially
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Incorporation | Less Than
Significant
Impact | No
Impact |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: The City of Hayward operates its own wastewater facility. This facility has the capacity to accommodate the amount of wastewater that will be generated by the project.</i> | | | | |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: Waste Management of Alameda County will dispose the solid waste. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year 2034.</i> | | | | |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: The project study area participates in the Waste Management of Alameda County recycling program under contract with the Oro Loma Sanitary District. Service will remain the same.</i> | | | | |

XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

JOANNE ROSENDIN
WILLIAM S. MILLER*
DANA SACK

ROBERT V. BETETTE
CHRISTOPHER J. DYAS
BARBARA A. NASH
SHERYL PHIPPS**

*ALSO ADMITTED IN
NEW YORK AND OREGON
(L.L.M. TAXATION)

** (L.L.M. TAXATION)

SACK, MILLER AND ROSENDIN, LLP

ATTORNEYS AT LAW

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March 7, 2003

RECEIVED

MAR 10 2003

Sylvia Ehrental, Director
Hayward Community and Economic Department
777 B Street
Hayward, CA 94541-5007

Community & Economic Development

Re: 24790 Amador Street, Hayward
Proposed Non-Conforming Laundromat

Gentlemen and Ladies:

A sign has been posted at 24790 Amador Street in Hayward, announcing that a large laundromat plans to open at that location. Your office has confirmed by telephone that the property at 24790 Amador Street is located in the CO – Commercial Office District. Section 10-1.1105 describes the purpose of the CO District as “to provide for and protect administrative, professional, business and financial organizations....” Laundromat is not among either the Uses Permitted under Section 10-1.1115 or the Conditionally Permitted Uses under Section 10-1.1120. The closest Permitted Use a.(3)(c), which is the “Dry cleaner/laundry,” but that is under the category of “Personal Services,” and does not apply to a self-service, coin-operated laundromat.

There already is an existing self-service, coin-operated laundromat across the street from this location. These businesses tend to be less attractive in appearance, do not project the “administrative, professional, business and financial” image intended for the CO District, and encourage loitering by persons protecting and waiting for their clothes while they are being washed and dried. This neighborhood does not need any more unprofessional businesses like laundromats. This neighborhood especially does not need a second laundromat.

The property owner or tenant intending to open a laundromat in this location is required to obtain a variance in order for this proposed use to be legal in the CO District. The presence of laundromat across the street eliminates any public need for this use at this location. Therefore, any request for such a variance should be denied.

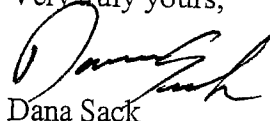
Please confirm that this second laundromat at this location will not be approved as a legal use or be issued any building permits for improvements for that use, unless a variance is

24790 Amador Street
March 7, 2003
Page 2

applied for and granted. In the event an application for such a variance is filed, we request notice of all proceedings and hearings in connection with that application.

Should you have any question or comments regarding the matter discussed above, please call, fax or email me.

Very truly yours,



Dana Sack

Confirmed that laundromat use will not be permitted and building permits for such use will not be issued, unless and until a zoning variance is approved.

Dated: March __, 2003

Hayward Community and Economic
Development Department

By: _____
Sylvia Ehrental, Director



Properties

*Commercial Real Estate
Brokerage and Development*

RECEIVED

APR 10 2003

PLANNING DIVISION

April 9, 2003

Mr. Carl Emura
Planning Division
City of Hayward
777 B Street
Hayward, CA 94541

Re: 24790 Amador Street, Hayward
Rezoning and Parking Lot Configuration

Dear Mr. Emura:

I designed, built, and own the Jiffy Lube/Rickshaw property which is adjacent to subject property.

I am supportive of the proposed rezoning and use of the subject property yet opposed to the parking and landscaping reconfiguration as currently proposed since it will reduce the amount of available parking stalls and create a confusing vehicular circulation plan. Since there is little or no on-street parking available, every effort should be made to maximize the number of on-site stalls.

The City's efforts to increase landscaping, while admirable, are perhaps inappropriate since parking and vehicle circulation are negatively impacted by the plan under consideration.

Per the accompanying rough diagram marked, Alternate Proposed Plan, I offer the following explanation and justification therefor:

1. Proposal: Leave the current ingress/egress driveways and direction of traffic flow as it currently exists.

Justification: Per the proposed plan, when the primary parking (to the front of the building) is fully occupied, overflow parking would likely go the wrong way along the eastern side of the building or again have to go out on Amador to enter the other ingress driveway. The plan creates new unnecessary potential traffic conflicts. The current circulation plans works very well.

2. Proposal: Eliminate the five-foot planter, as proposed, along the northern and eastern property line wall. Install climbing ivy on vines in a one- to two-foot planter which will provide "vertical landscaping" to "soften" these property lines. Install a few trees where possible.

April 9, 2003

Justification: With a smaller planter, the Fire Department and garbage trucks will still be able to circulate behind the building. The proposed five-foot planters are of little or no visual benefit and are likely trash and paper collectors. There will be no loss of parking stalls over existing situation.

3. Proposal: Install trash enclosure in north corner of property, behind the building.

Justification: Additional parking stalls will be available near the front portion of the building, and the trash enclosure will be generally out of sight rather than in the front prominent position as proposed. The garbage truck can easily access the dumpster and then proceed around the rear of the building.

4. Proposal: Since we have numerous large trees surrounding our property, only require the applicant to add a three-foot planter along our northern property line and tie it into our existing planter.

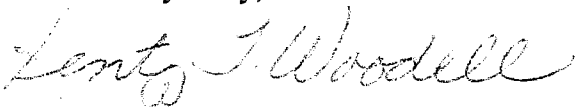
Justification: There will be more room to install a larger planter in the center of the property.

Since this is an existing legal, non-conforming lot and building, it should be easy to justify slightly less landscaping than required by Code. Since it will be "underparked," every effort should be made to maximize parking. In consideration for the City's cooperation in supporting the rezoning and variances, recommend that the applicant be required to improve exterior visual appearance of the building.

In summary, the Alternate Proposed Plan will have much better circulation and have approximately 70± on-site stalls which is 10± more than the current plan under consideration.

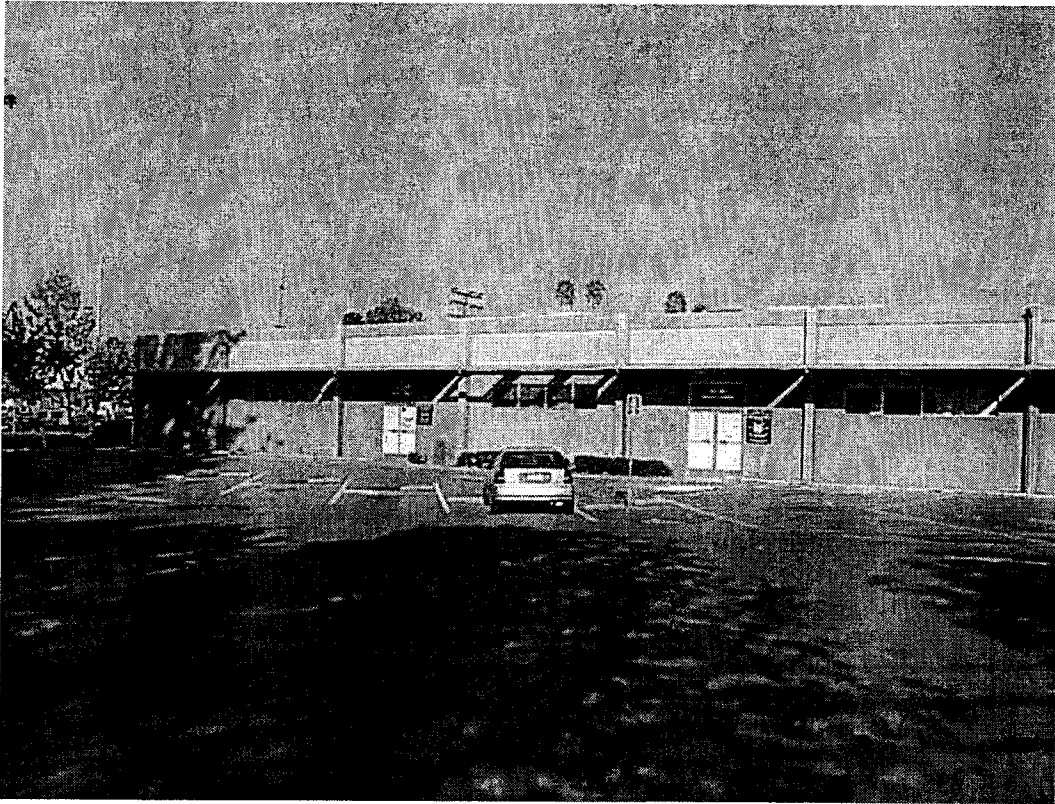
Please send me a copy of the Agenda and Staff Report when available. Thank you.

Yours very truly,

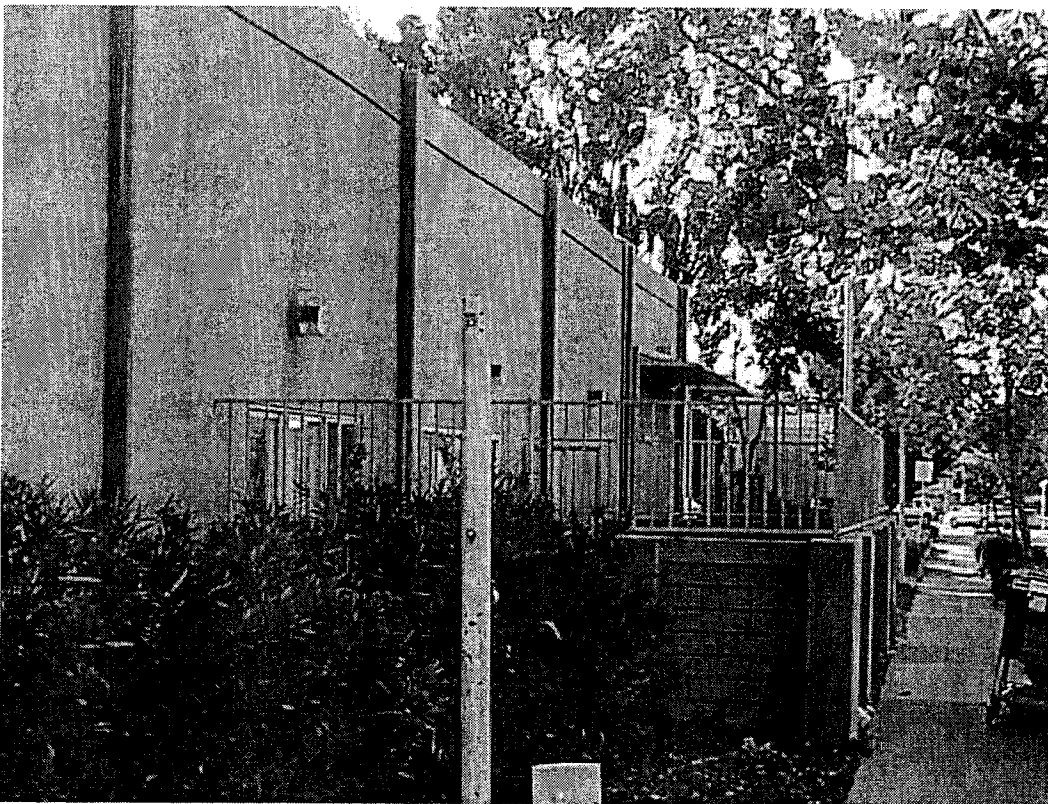


KENT T. WOODELL

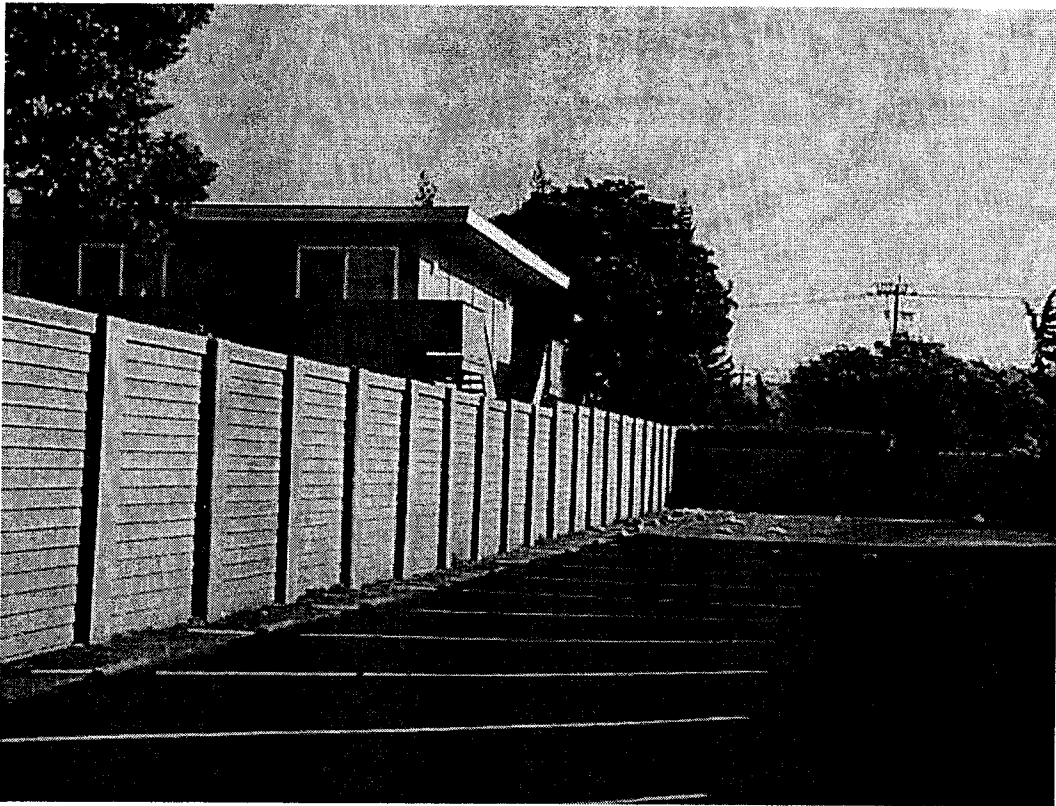
Enclosure



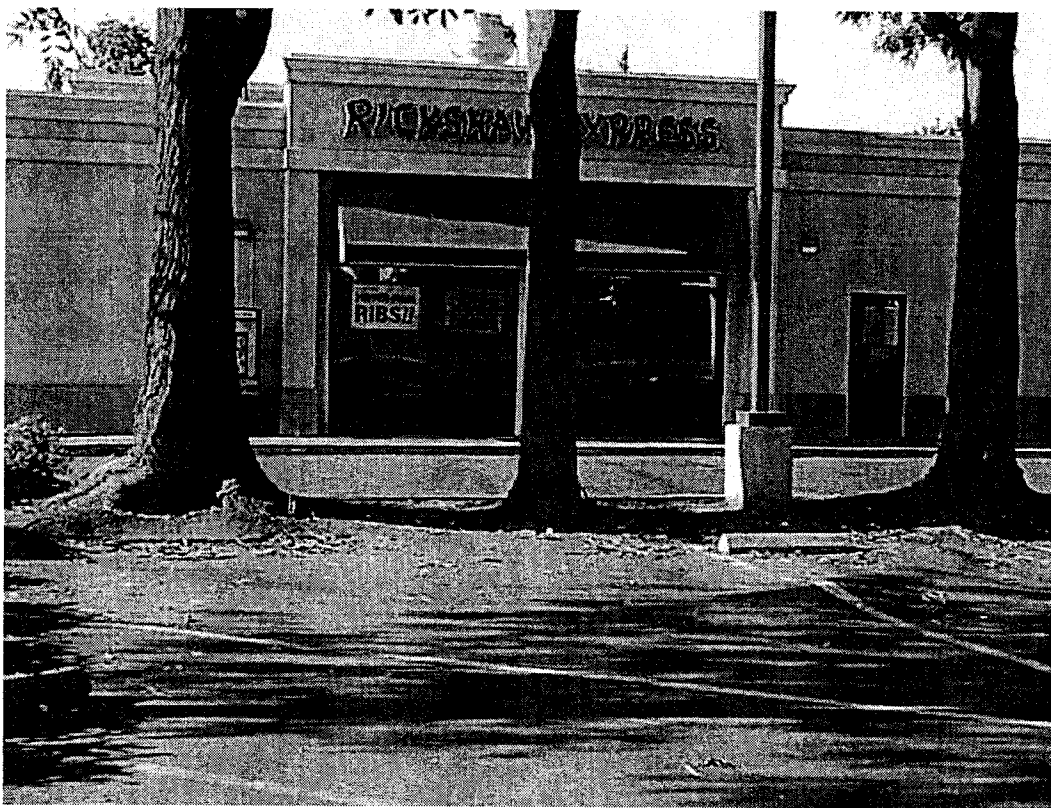
View from Jackson Street



View from Amador Street



View of adjacent apartment complex north of project site



View of adjacent commercial building along the south property line

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

Mue
6/24/03

RESOLUTION APPROVING ZONE CHANGE APPLICATION
NO. PL 2003-0101, SITE PLAN REVIEW NO. PL 2002-0565
AND PARKING EXCEPTION NO. PL 2003-0100; AND
CERTIFYING THAT THE INITIAL STUDY AND NEGATIVE
DECLARATION HAVE BEEN COMPLETED IN
COMPLIANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT

WHEREAS, Zone Change Application No. 2003-0101 concerns a request by Eddy Shen (Applicant) to change the zoning of the property located 24790 Amador Street from CO (Commercial Office) to CN (Neighborhood Commercial), convert the existing office building into a retail center and allow the reduction in required parking spaces from 62 to 60; and

WHEREAS, a negative declaration has been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the Planning Commission held a public hearing on May 22, 2003, regarding Zone Change Application No. 2003-0101 in accordance with the procedures contained in the Hayward Zoning Ordinance, codified as Article 1, Chapter 10 of the Hayward Municipal Code, and recommended approval of the initial study, negative declaration and zone change; and

WHEREAS, the City Council of the City of Hayward has independently reviewed and considered the information contained in the initial study upon which the negative declaration is based, certifies that the negative declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the negative declaration reflects the independent judgment of the City of Hayward; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines as follows:

Zone Change

1. The proposed project will not have a significant negative impact on the environment pursuant to the California Environmental Quality Act (CEQA) guidelines and a Negative Declaration has been prepared;

2. Substantial proof exist that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the Neighborhood Commercial District allows uses that will serve the surrounding neighborhood and complement other commercial businesses in the vicinity;
3. The proposed zone change is in conformance with the purposes of the Zoning Ordinance and all applicable adopted policies and plans in that it is consistent with General Plan Policies, which encourages rezoning of properties and rehabilitation of obsolete building to revitalize declining areas;
4. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the zoning is changed from Commercial Office to Neighborhood Commercial in that proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, schools, maintenance of public facilities, including roads, and in other government services.
5. All uses permitted under the Neighborhood Commercial District will be compatible with potential future uses, and a beneficial effect will be achieved with is not obtainable under the Commercial Office District in that neighborhood retail uses would be allowed under the Commercial Office District and those uses are more compatible with the existing uses in the area.

Site Plan Review

6. The project is compatible with surrounding structures and uses in that the proposed building facade would blend in and complement the surrounding buildings and future commercial uses would augment the existing uses in the area.
7. The project takes into consideration physical and environmental constraints in theat the parking lot is redesigned to meet the handicapped, landscape and fire truck access requirements within the confines of an existing developed site. The original building structure is retained and facade improvements are made to convert it into a commercial center. The existing perimeter landscape is retained and additional landscaping is added to the interior of the site.
8. The project complies with the intent of City development policies and regulations in that it revitalizes a vacant building and creates a complementary and compatible ne commercial center of high quality.
9. The project will be operated in a manner acceptable and compatible with surrounding development in that trees are added along the north property line to screen the center from the adjacent apartment complex. The trash enclosure has been located toward the front of the property and the hours of operation of the

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

ORDINANCE NO. _____

me
6/24/03

AN ORDINANCE AMENDING THE ZONING DISTRICT
MAP OF CHAPTER 10, ARTICLE 1 OF THE HAYWARD
MUNICIPAL CODE BY CHANGING THE ZONING FROM
CO (OFFICE COMMERCIAL) TO CN (NEIGHBORHOOD
COMMERCIAL) PURSUANT TO ZONE CHANGE
APPLICATION NO. 2003-0101

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS
FOLLOWS:

Section 1. The Zoning District Map of Chapter 10, Article 1 of the Hayward
Municipal Code is hereby amended by changing the zoning from CO (Commercial Office) to
CN (Neighborhood Commercial) for the property located at 24790 Amador Street.

Section 2. In accordance with the provisions of section 620 of the City Charter, this
ordinance shall become effective 30-days from the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of
Hayward, held the _____ day of July, 2003, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward
held the __ day of _____, 2003, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

Laundromat has been conditioned to minimize disturbances to the residences of the adjacent apartment complex.

Parking Exception

10. There are special circumstances applicable to the property in that the building is already existing and such parking and circulation cannot be reasonably altered because of the location of the building.
11. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other properties in the vicinity under the same zoning classification in that other commercial properties along Jackson Street do not meet the current parking requirements and have been granted variances.
12. The parking exception does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated in that other properties along Jackson Street have been granted variances for parking. In addition the parking ordinance allows credits for proximity to public transportation and for providing bicycle spaces adjacent to pedestrian activity.
13. The parking exception will not result as reasonably possible in the parking or loading of vehicles on Jackson and Amador Street as the proposed commercial center is in the proximity of high density residential development where a number of customers can be expected to be pedestrians.
14. The granting of an exception will not create a safety hazard, as the exception will allow fire truck access and maneuver on to the site.

NOW THEREFORE BE IT RESOLVED that the Zone Change Application No. PL 2003-0101, Site Plan Review Application No. PI 2002-0565 and Parking Exception Application No. 2003-0100 and the adoption of the companion ordinance reclassifying the Property from a CO (Office Commercial) to a CN (Neighborhood Commercial), is hereby approved based on the findings noted above and conditions of approval attached hereto as Exhibit A.

IN COUNCIL, HAYWARD, CALIFORNIA July, 2003

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER:

MAYOR:

NOES: COUNCIL MEMBERS: